IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

State of Raj. & Ors. v. Anop Singh & Anr.

S.B.CIVIL WRIT PETITION NO.475/2005
under Articles 226 and 227 of the Constitution of India.

Date of Order : 19th April, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. B.L.Tiwari, Dy.Govt.Advocate.
Mr. Manoj Bhandari, Caveator.

BY THE COURT :

By this petition for writ a challenge is given to the award dated 13.1.2004 passed by Judge, Labour Court, Jodhpur in Labour Case No.72/2000 whereby the learned Labour Court after adjudicating the dispute referred to it by appropriate government under notification dated 29.11.1999 held that removal of workman Shri Anop Singh Rajpurohit from services w.e.f. 24.1.1990 was not proper and valid. Learned Judge, Labour Court, Jodhpur by award impugned dated 13.1.2004 declared the respondent workman entitled for reinstatement in services and also for getting back wages in a tune of 25% of the total back wages.

The contention of counsel for the employer State is that the Labour Court ought to have rejected the claim of the workman being agitated at quite a belated stage. According to the counsel for the petitioner the workman respondent was removed from services on 24.1.1990 but the reference was made by appropriate government in the year 1999, as such the dispute was a stale one.

I have perused the award impugned and other documents available on record.

The respondent workman was working as a work-charged employee with semi permanent status since 1980. Before removing him from services no proceedings as contemplated under Rule 26 of the Rajasthan (P.W.D., B & R including Gardens, Irrigation, Water Works, Ayurved, Forest, IGNP Department) Workcharged Employees Rules, 1964 (hereinafter referred to as “the Act of 1964”) were conducted by the employer petitioner.

A specific finding is given by the court below that number of representations were submitted by the workman to continue him in services but the same were not at all considered by the competent authorities of the department. The court below, therefore, found that no delay which may disentitle the workman for getting the dispute adjudicated was

there. It is further relevant to note that before raising an industrial dispute the workman approached this Court by way of filing a writ petition for redressal of his grievance. This Court by judgment dated 7.10.1999 ordered to refer the dispute to Labour Court. In pursuance to the directions given by this Court the reference was made by the appropriate government. In view of this fact also the respondent workman could not be blamed for causing any delay in raising the dispute.

In view of whatever discussed above, I do not find any reason to interfere with the award passed by Labour Court in extra ordinary jurisdiction of this Court.

The writ petition, therefore, is dismissed with no order as to costs.

(GOVIND MATHUR),J.

kkm/ps.